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OFFICE OF CONSUMER AFFAIRS AND BUSINESS REGULATION

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June 30, 2000

Kenneth Ira Spigle, Esquire

246 Walnut Street

Newton, Massachusetts 02460

Re: Sprint Spectrum L.P. d/b/a Sprint PCS's Motion for Clarification of Permissive and Mandatory Ten-Digit Dialing Implementation Schedule (Or in the Alternative, Motion for Reconsideration), D.T.E. 99-99 and D.T.E. 99-11

Dear Mr. Spigle:

I. INTRODUCTION

On April 25, 2000, the Department of Telecommunications and Energy ("Department") issued a final order in D.T.E. 99-99 and D.T.E. 99-11 ("Area Code Order"). In order to implement the four new overlay area codes mandated by the Area Code Order, the Department directed carriers to begin permissive ten-digit dialing in Eastern Massachusetts no later than January 1, 2001, and to begin mandatory ten-digit dialing by May 2001. Area Code Order at 33, 37. The Department further directed carriers to begin the permissive dialing period sooner than January 1, 2001, if technically possible, and to provide a permissive dialing period of at least four months. Id. at 33, 35-36.

On May 30, 2000, Sprint Spectrum L.P. d/b/a Sprint PCS ("Sprint PCS") filed with the Department a Motion for Clarification of Permissive and Mandatory Ten-Digit Dialing Implementation Schedule (Or in the Alternative, Motion for Reconsideration) ("Motion"), requesting that the Department clarify or modify the Area Code Order to require the permissive dialing period to begin by September 15, 2000, and the mandatory

dialing period to begin on January 15, 2001 (Motion at 1). On June 14, 2000, New England Telephone and Telegraph Company d/b/a Bell Atlantic-Massachusetts ("Bell Atlantic") filed with the Department a copy of a letter to NeuStar, Inc.⁽¹⁾ ("NeuStar") in which Bell Atlantic concludes that it cannot implement mandatory dialing on January 15, 2001, as agreed to by the industry at the May 11, 2000 implementation meeting⁽²⁾ (see June 12, 2000 Letter to D. Wayne Milby, Senior NPA Relief Planner, Eastern Region from Eileen P. Rush, Senior Specialist, State Regulatory Planning), but will be able to implement mandatory dialing on April 1, 2001 and can complete the activities necessary to begin permissive dialing by September 15, 2000 (*id.*). Also on June 14, 2000, AT&T Wireless Services and AT&T Communications of New England, Inc. ("AT&T") filed comments supporting Sprint PCS' Motion. On June 22, 2000, the Department issued a notice requesting any additional comments on Sprint PCS' Motion. On June 26, 2000, the Massachusetts Burglar and Fire Alarm Association, Inc. filed comments supporting an acceleration of the permissive dialing period but opposing any change in the start date for mandatory dialing. On June 29, Bell Atlantic submitted an Opposition to Sprint PCS' Motion.

II. POSITIONS OF THE PARTIES

In support of its Motion, Sprint PCS asserts that the dates requested in its Motion are consistent with the industry consensus reached at an implementation meeting facilitated by NeuStar, Inc. ("NeuStar"), on May 11, 2000 (*id.*). Sprint PCS further asserts that, as a wireless provider, it has a great interest in accelerating the availability of telephone numbers and NXX codes for its potential customers (*id.* at 2-3). Sprint PCS also asserts that the dates reached by industry consensus are consistent with the Area Code Order in that the Department mandated a minimum four month permissive dialing period to commence as soon as practicable (*id.* at 3-4). Lastly, Sprint PCS suggests the requested dates would benefit the alarm industry, which would prefer the earliest possible implementation of permissive ten-digit dialing (*id.* at 5-6).

AT&T notes that the 508 and 617 NPAs are at exhaust or near exhaust, and argued that, absent an acceleration of the mandatory dialing date, "...customers seeking new or additional telecommunications services will be unable to obtain it from the carrier of their choice" (AT&T Comments at 3).

Bell Atlantic supports a September 15, 2000 start for permissive dialing but opposes advancing the mandatory dialing date to January 15, 2001. Bell Atlantic contends that it

is technically infeasible for it to implement mandatory dialing before April 1, 2001 (Bell Atlantic Comments at 5-6). It claims that there are simply too many complex, time-consuming tasks, many of which are sequential in nature, that prevent Bell Atlantic from beginning mandatory dialing before April 1st.⁽³⁾ Bell Atlantic argues that the implementation schedule proposed in Sprint PCS' Motion is "...much shorter than the time required by Bell Atlantic to implement new and additional overlays in other jurisdictions within its own operating territory" (*id.* 6). Bell Atlantic notes that in Maryland, mandatory dialing began 19 months after a Commission Order approving two overlay codes; in Philadelphia, mandatory dialing began 13 months after two overlays codes were ordered; and in Pittsburgh, mandatory dialing began 19 months after a single overlay was ordered (*id.*). Bell Atlantic adds that it has agreed to commence mandatory dialing in the four Eastern Massachusetts overlay codes on a more abbreviated schedule than it has followed for any single overlay code in the rest of its territory, and that implementing four new overlay codes in less than eleven months is technically infeasible (*id.*). In addition, Bell Atlantic also contends that Sprint PCS' Motion is untimely and does not meet the Department's standards for clarification and reconsideration (*id.* at 2).

III. DISCUSSION

At the outset, we note that Sprint PCS' Motion was untimely; however, because of the importance of the issue to the carriers, the public, and the Massachusetts economy as a whole, we choose to address the merits of the Motion. When the Department decided on the implementation schedule contained in the Area Code Order, it did so in contemplation of the possibility that an examination of the carriers' technical requirements might allow the implementation schedule to be accelerated, thus providing carriers with swifter access to critically-needed numbering resources in the depleted 508 and 617 NPAs and providing alarm companies with additional time to reprogram customer equipment. In its Order, the Department called for a minimum four-month permissive dialing period, with permissive dialing commencing as early as technically feasible, but no later than January 1, 2001 (Area Code Order at 33). Thus, the Order provided for an acceleration of both permissive and mandatory dialing, and May 1, 2001 was deemed the absolute latest that mandatory dialing would begin.

In deciding whether to revise the implementation schedule, the Department must balance the following interests: (1) the interests of the carriers in getting access to numbering resources (particularly in the areas of greatest depletion); (2) the interests of Bell Atlantic and other carriers in implementing the required technical changes in a reasonable time;

(3) the public safety interests of the alarm companies in reprogramming their customers' equipment in a timely manner; and (4) the interests of the public in becoming accustomed to dialing changes. There is general agreement that the permissive dialing period should begin September 15, 2000, rather than January 1, 2001, and a longer permissive dialing period is beneficial to alarm companies in their reprogramming efforts and to telephone users in learning new dialing patterns. But there is disagreement among carriers about whether the mandatory dialing period should or can start earlier than May 1, 2001.⁽⁴⁾ While we endeavor to provide carriers (and their customers) with numbering resources as early as possible, we can not do that at the expense of depriving other carriers, such as Bell Atlantic, with a reasonable period of time to prepare for mandatory dialing. From its June 29th filing, Bell Atlantic has convinced us that it cannot make the necessary technical changes to begin mandatory ten-digit dialing any sooner than April 1, 2001, and that even that schedule is extremely ambitious. We also recognize that any acceleration of the mandatory dialing period shortens the period of time the alarm companies have to perform necessary reprogramming work on customer equipment.

Balancing all of the interests described above, the Department concludes that it is in the public interest to amend the start date of the permissive ten-digit dialing period to September 15, 2000, and to amend the start date of mandatory ten-digit dialing to April 2, 2001. This revised schedule will allow a six and a half month permissive dialing period, which will provide more time for customers to become accustomed to ten-digit dialing and will provide alarm companies much-needed additional time to reprogram their equipment. In addition, carriers (and their customers) will have access to new telephone numbers one month sooner. Accordingly, we direct NeuStar to implement permissive dialing on September 15, 2000, and mandatory dialing on April 2, 2001 for the new overlay codes in Eastern Massachusetts.

Carriers must amend their implementation plans and customer education materials to reflect the changes made by this Order, and must file the amended documents with the Department. Because of the brief time remaining until the beginning of the permissive dialing period, and the need for carriers to obtain Department approval of their implementation plans and customer education materials before such materials may be distributed to the public, carriers shall file their updated plans within ten (10) business days of the date of this Order. Because of the potential public safety impact occasioned by the switch to ten-digit dialing, all carriers' customer education materials must contain a section advising end-users to contact their alarm system providers and arrange to have their alarm systems reprogrammed.⁽⁵⁾

Finally, in order to afford the public, carriers, alarm companies, and NeuStar the ability to rely on the revised implementation schedule, the Department will not entertain any further requests to alter the implementation dates as indicated in this order.

By Order of the Department,

James Connelly, Chairman

W. Robert Keating, Commissioner

Paul B. Vasington, Commissioner

Eugene J. Sullivan, Jr., Commissioner

Deirdre K. Manning, Commissioner

cc: Mary L. Cottrell, Secretary

Service List

1. NeuStar, Inc., is the North American Numbering Plan Administrator.
2. We note that Bell Atlantic did not support the consensus vote to begin mandatory dialing on January 15, 2001, reached at the May 11, 2000 implementation meeting.
3. Bell Atlantic submitted a timeline showing the duration of each of the major activities during the 11-month implementation period (Bell Atlantic Comments, at Exh. 2).
4. The Department reminds the parties that an industry consensus regarding a particular start date for mandatory or permissive ten-digit dialing is not, in and of itself, sufficient to alter the dates in the Department's Area Code Order. Rather, a Department order is necessary to amend the implementation schedule set forth in the Area Code Order.
5. In a section devoted to fire, security, and life safety systems, carriers must advise their end-users that the FCC requires the introduction of 10-digit dialing wherever overlay codes are implemented; that most alarm panels are currently programmed to dial out on a 7-digit basis only; and that, as a result, customers with alarm systems should contact their alarm system providers for reprogramming. Carriers are strongly cautioned that customer education materials not containing this advice will not be approved.